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09/531,743	03/21/2000	Steven Jeromy Carriere	57921/107	7120

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/531,743

Applicant(s)

CARRIERE ET AL.

Examiner

James S McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Amendment*

1. Applicant's submittal of an amendment was entered on 1/15/03, wherein:  
  
claims 1-27 are pending and  
  
claim 17 has been amended.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7, 9-15, 17-21, and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,799,063 (Krane).

In regards to independent **claim 1**, Krane discloses a method of funneling user responses in a voice portal system to determine a desired item or service (see column 6, line 40-44), the method comprising: **(a)** establishing an attribute value (stored in index means 100; see column 3, lines 43-52) associated with a particular attribute of a desired item or service; **(b)** determining if the attribute value satisfies an end state, wherein if the end state is not satisfied, performing steps **(a)** and **(b)** with a new particular attribute; [**claim 2**] the step of establishing an attribute value associated with a particular attribute of a desired item or service comprises assigning a user preference to the attribute value (see column 5, line 62-column 6, line 3); [**claim 3**] the step of establishing an attribute value associated with a particular attribute of a desired item or service

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comprises: establishing an attribute vocabulary set (for example the user verbally enters the command “Yahoo” to get to YAHOO’s (TM) services; see column 5, line 49) related to a particular attribute of a desired item or service; querying the user (see column 5, line 39-43) for an attribute associated with the particular attribute, the attribute value being a member of the attribute vocabulary set; identifying the attribute value given by the user; **[claim 4]** the step of establishing an attribute vocabulary set comprises providing a group of possible verbal responses (inherent feature of systems that utilize voice recognition) to a query on an attribute of a desired item or service; and **[claim 7]** the step of identifying the attribute comprises setting a preference for the attribute (a user can set a preference, for example, favorite Talk Web sites; see column 5, line 62-65).

In regards to independent **claim 9**, Krane discloses a system for funneling voice portal user responses to determine a desired item or service, the system comprising: a user interface (VRU and link interface, 3 and 7); a database (server 2, see column 6, lines 28-39) coupled to the user interface (3, 7), the user interface (3, 7) coordinating communications with a user, the database (2) storing information regarding attributes, attribute vocabulary sets, and Internet-based information (stored in index means 100); whereby the user interface (3, 7) established an attribute value associated with a particular attribute of a desired item or service and determines if the attribute value identified satisfies and end state; **[claim 10]** the user interface (3, 7) assigns a user preference to the attribute value (see column 5, line 62-column 6, line 3); **[claim 11]** the user interface (3, 7) established an attribute vocabulary set related to particular attribute of a desired item or service (for example the user verbally enters the command “Yahoo” to get to YAHOO’s (TM) services; see column 5, line 49), queries the user (see column 5, line 39-43) for

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an attribute value associated with the particular attribute, and identifies the attribute value given by the user; **[claim 12]** the database (2) store preferences of the user; **[claim 13]** a customer management subsystem to store user related information (for example, “User Favorite Talk Web Sites”, see column 5, line 62-column 6, line 3); **[claim 14]** the customer management subsystem records user responses to queries from the user interface (see column 5, line 62-column 6, line 3); **[claim 15]** the user interface (3, 7) communicates with a user using voice (“Voice Commands”, see column 5, line 54).

In regards to independent **claim 17**, Krane discloses a voice portal configured to funnel user responses to determine a desired item or service, the voice portal comprising: means (100) for performing the steps of: **(a)** establishing an attribute value associated with a particular attribute or a desired item or service; means (see column 3, lines 42-57) for performing the step of **(b)** determining if the attribute value satisfies and end state, wherein if the end state is not satisfied, performing steps (a) and (b) with a new particular attribute (see column 3, lines 42-57); **[claim 20]** means for setting a user preference (for example, “User Favorite Talk Web Sites”, see column 5, line 62-column 6, line 3); **[claim 21]** means for recording user responses (via VRU). It is noted that **claims 18** and **19** are similar to claims 3 and 2, respectively, which are discussed in detail (see above).

Independent **claim 23** and **claims 24-26** are rejected for reasons set forth above in detail for similar claims 1 and 2-4. It is noted that claim 1 and claim 23 are both product claims. Additionally, it is noted that Krane’s system utilizes a computer program product comprising computer readable program code. Krane’s computer program product is the system shown in Figure 1. In regards to claim 27, Krane discloses a product including a computer readable

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program code for defining a user preference (for example, "User Favorite Talk Web Sites", see column 5, line 62-column 6, line 3) based on user responses ("Mark", see column 5, line 63).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of U.S. Patent No. 6,272,455 (Hoshen et al.).

In regards to **claims 5 and 22**, Krane discloses all of the claimed steps as set forth above, but fails to disclose the step of identifying an attribute value given by the user comprises providing fallback queries to query the user further for an attribute value which is in the attribute vocabulary set; **[claim 6]** and the step of providing fallback queries comprises asking the user for at least one substitute attributes for the particular attribute of a desired item or service.

Hoshen et al. teaches the use of system and method of identifying an attribute value given by the user comprises providing fallback queries (see column 4, lines 15-38) to query the user further for an attribute value which is in the attribute vocabulary set; and the step of providing fallback queries comprises asking the user (see column 4, lines 36-38) for at least one substitute attributes for the particular attribute of a desired item or service.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane with fallback query of Hoshen et al., because the use of a fallback

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query allows the system to continue when an unknown response is given, wherein improving accuracy and efficiency of the system.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of U.S. Patent No. 6,400,806 (Uppaluru).

In regards to claim 8, Krane discloses all of the claimed steps as set forth above except for the step of identifying the attribute comprises a global preference for the attribute, the global preference being applied in a plurality of domains of interest.

Uppaluru teaches the step of identifying the attribute comprises a global preference for the attribute, the global preference being applied in a plurality of domains of interest. For example, Figure 3 shows Uppaluru's "Personal Voice Web Services Pages". It is noted that element (308), Attributes and Preferences Page, serves as a global preference that is applied to the plurality of domains listed below it.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane with global preferences taught by Uppaluru, because using global preferences allows the user to customize his/her voice web service to more efficiently meet his or her voice web needs.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of U.S. Patent No. 6,401,085 (Gershman et al.).

In regards to **claim 16**, Krane discloses all the claimed elements of the system in claim 9, but fails to disclose a user interface that utilizes a wireless application protocol (WAP) platform.

Gershman et al. teaches the use of a user interface that utilizes a wireless application protocol (WAP) platform (column 2, lines 6-18).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane with use of WAP as taught by Gershman et al., because the use of WAP will allow the user to access voice web services from various locations without and therefore increasing the user's ability to connect to the web.

### ***Response to Arguments***

8. Applicant's arguments filed January 15, 2003 have been fully considered but they are not persuasive.

On page 7, sections 1-4, Applicant notes that amendments have been made to overcome drawing, specification, and claim objections. The objections are withdrawn.

On page 7, section 5 (also page 8, section 7 for claim 17), Application argues that Krane fails to disclose, "determining if the attribute satisfies an end state, wherein if the end state is not satisfied, performing steps (a) and (b) with a new particular attribute." The Examiner disagrees. Krane discloses in column 3, lines 42-57 submission of an access request, wherein an invalid access request does not satisfy an end state and a valid access request satisfies an end state. The user can submit an additional access request if the first request is invalid. Therefore, Krane discloses all of the limitations of claim 1.

On page 8, section 6, Applicant argues that Krane is silent as the content or structure of the index. Specifically, Applicant argues that Krane fails to disclose a "database storing information regarding attributes" and "attribute vocabulary sets". Krane's system stores URL's that are attributes and since the user communicates with the system via voice, it is inherent that the database includes attribute vocabulary sets.



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***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington D.C. 20231

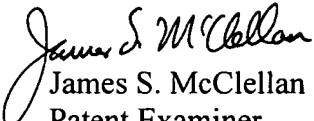
or faxed to:

(703) 305-7687 (Official communications) or


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(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Patent Examiner  
A.U. 3627

jsm  
February 26, 2003

  
**RENA DYE**  
**PRIMARY EXAMINER**  
A.U. 3627